

REMARKS/ARGUMENTS

Claims 1-18 are pending and rejected as obvious under 35 U.S.C. §103(a) in view of *Hara* (EP 1 224 937 A1). Applicants respectfully traverse this rejection.

The claimed invention relates to a composition for repairing injured skin comprising: (a) 50 to 90% by weight of saccharide, (b) 0.5 to 10% by weight of povidone-iodine, (c) 0.1 to 20% by weight of water, and (d) 0.3 to 5% by weight of phospholipid (claim 1). *Hara* discloses a formulation for treating wounds comprising: (a) 50 to 90% sugar, (b) 0.5 to 10% iodophor, (c) 0 to 21% water, and (d) 0 to 40% hydrogenated lecithin (Abstract, [0008], [0009], [0021]-[0026]). As stated in the outstanding Office Action, “it is the Examiner’s opinion that the determination of optimal or workable range of lecithin by routine experimentation is obvious absent a showing of criticality of the claimed range” and “the Examiner notes that Applicant has not provided any evidence of the criticality of the herein claimed range of phospholipid” (page 6, last paragraph). In view of the Examiner’s position and as a showing of the criticality of the claimed phospholipid range, Applicants submit herewith via Declaration and discuss below supplemental data supporting Applicants’ assertion of non-obviousness.

For ease of discussion, Table 1 from the Declaration is reproduced below:

Table 1

Component	Product of the Present Invention 2	Product of the Present Invention 4	Comparative Product 1	Supplemental Product 1	Supplemental Product 2
White soft sugar	70	70	70	70	70
Povidone-iodine	3	3	3	3	3
Macrogol 300	1	1	1	1	1
Macrogol 400	10.8	6.3	11.3	3.8	1.3
conc. Glycerol	1	1	1	1	1
1,3-Butylene glycol	1	1	1	1	1
Propylene glycol	1	1	1	1	1
<b>Hydrogenated soybean phospholipid</b>	<b>0.5</b>	<b>5</b>	-	<b>7.5</b>	<b>10.0</b>
Poly (oxyethylene) (160)					
Poly (oxypropylene) 30 Glycol	1.1	1.1	1.1	1.1	1.1
Pullulan	0.2	0.2	0.2	0.2	0.2
Potassium iodide	0.7	0.7	0.7	0.7	0.7
Citric acid	0.1	0.1	0.1	0.1	0.1
Sodium hydroxide	0.08	0.076	0.0828	0.09	0.08
Purified water	9.52	9.524	9.5172	9.52	9.52
pH	Immediately after production	4.6	4.8	4.8	4.9
Consistency (g)	Immediately after production	8.0	23.8	61.9	47.8
	1 month	25°C	10.7	25.9	191.6
		40°C	29.3	45.1	227.4
	3 month	25°C	14.5	39.1	206.5
		40°C	46.2	54.2	310.2
Stirring aptitude	Immediately after production	◎	◎	◎	◎
	1 month	25°C	◎	◎	△
		40°C	◎	◎	×
	3 month	25°C	◎	◎	×
		40°C	◎	◎	○
	Immediately after production	◎	◎	○	△
	1 month	25°C	◎	◎	△
Extensibility	Immediately after production	◎	◎	◎	◎
	1 month	25°C	◎	◎	○
		40°C	◎	◎	△
	3 month	25°C	◎	◎	○
		40°C	◎	◎	△
	Immediately after production	◎	◎	○	○
	1 month	25°C	◎	◎	○

As a reminder to the Office, Examples 1-4 disclosed in the current specification (page 10) provide evidence of the beneficial results (e.g., suppressed increase in consistency, maintained/good stirring aptitude, and maintained/good extensibility over time) of the end points of the claimed phospholipid range (i.e., 0.3% in Example 1 and 5% in Example 4) as well as points within the claimed range (i.e., 0.5% in Example 2 and 3% in Example 3).

In addition, the Table above shows that compositions comprising amounts of phospholipid outside the claimed range (i.e., outside 0.3-5%) but still within the disclosed range by *Hara* (i.e., within 0-40%) are inferior with respect to compositions comprising amounts of phospholipid within the claimed range. More specifically, Comparative Product 1 shows that when 0% phospholipid is present (which is within *Hara*'s range but below the minimum claimed threshold), increased consistency with time is obtained as well as decreased stirring aptitude and extensibilities. Furthermore, comparative Supplemental Products 1 and 2 show that when 7.5% and 10% of phospholipid are present respectively (both of which are within *Hara*'s range but above the maximum claimed threshold), again increased consistency with time is obtained as well as decreased stirring aptitude and extensibilities.

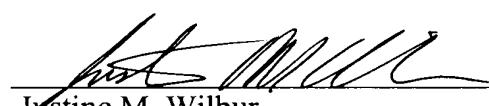
Accordingly, Applicants have provided the requested evidence of criticality of the claimed phospholipid range and have therefore shown the claimed composition to be non-obvious in view of *Hara*. Therefore Applicants respectfully request the withdrawal of this rejection.

Application No. 10/533,659  
Reply to Office Action of March 25, 2008

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the rejections and passage of this case to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Justine M. Wilbur  
Attorney of Record  
Registration No. 59,678

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)